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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 BEVERLY LEVINE, PHILLIP HALL, ERIN
17 HILLMAN, THEODORE SPRADLEY;
individuals, on behalf of themselves and others
18 similarly situated,

19 Plaintiffs,

20 v.

21 GOOGLE INC., a Delaware Corporation;

22 Defendant.
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No. 11-CV-02157 JSW

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER TO
RELATE CASES**

Pursuant to Local Rule 3-12, Defendant Google Inc., a Delaware corporation (“Google”), submits this Administrative Motion to Consider Whether Cases Should Be Related to give notice of the following related actions:

1. *Juliann King, individually and on behalf of a class of similarly situated individuals, Plaintiff v. Google Inc., Defendant*, Case No. 11-cv-02167-PSG, filed on May 3, 2011 (“*King*”);
2. *Maritsa Urias and Stan Hines, on behalf of themselves and all others similarly situated, Plaintiffs, v. Google Inc., Defendant*, Case No. 11 11-cv-02230-JF, filed on May 6, 2011 (“*Urias*”); and
3. *Tracey Lipton, individually and on behalf of all others similarly situated, Plaintiff v. Google Inc, Defendant*, Case No. 11-cv-02427-HRL, filed on May 18, 2011 (“*Lipton*”).¹

Google respectfully suggests that these three other actions are related to this action.

King, *Urias*, and *Lipton* are related to this action because they concern substantially the same parties, arise from the same or substantially identical alleged transactions, happenings or events, and call for determination of the same or substantially identical questions and facts, and highly related questions of law. Like this action, the plaintiffs in *King*, *Urias*, and *Lipton* purport to represent nationwide classes of individuals who purchased or used mobile devices that run on Google’s Android mobile operating system. Further, each action (a) involves factual allegations concerning Google’s Android operating system and/or applications that can be downloaded to devices running that operating system; (b) addresses the alleged mishandling of user information from devices running the Google Android operating system; and (c) asserts claims under the federal Computer Fraud and Abuse Act (47 U.S.C. § 1030), California’s Business and Professions Code § 17200, and various other statutes and common law principles concerning personal privacy and consumer protection. Google is the only named defendant in this action, *Lipton* and *Urias*, and is one of only three named defendants in the *King* action. For the

¹ Copies of the *King*, *Urias*, and *Lipton* Complaints are attached as Exhibits A, B, and C, respectively.

1 foregoing reasons, Google believe that the assignment of *King*, *Urias*, and *Lipton* to this Court
 2 would save judicial and litigant resources, and would diminish the chance of inconsistent results.

3 Google notes in the regard that in addition to these four similar cases, there are two other
 4 similar cases pending in other districts: the *Brown* action in the Eastern District of Michigan²
 5 and the *Pessano* action in the Middle District of Florida.³ Accordingly, Google has sought an
 6 order from the Judicial Panel on Multidistrict Litigation transferring those two cases to this Court
 7 for coordinated or consolidated pretrial proceedings along with this action, *King*, *Urias*, and
 8 *Lipton*. Just as relating *King*, *Urias*, and *Lipton* to *Levine* would avoid conflicts, conserve
 9 resources, and promote an efficient determination of the actions, so too would broader pre-trial
 10 coordination of all six cases pursuant to 28 U.S.C. § 1407.

11 Respectfully submitted,

12 DATED: May 24, 2011

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By: /s/ Michael H. Rubin
 Michael H. Rubin
 Attorneys for Defendant

25 ² *Julie Brown and Kayla Molaski, individually and as representatives of a class of*
 26 *individuals similarly situated, Plaintiffs v. Google Inc., Defendant*, Case No. 11-cv-11867-AC-
 MAR, filed on April 27, 2011.

27 ³ *Jon Pessano, Nicholas Lawrence, and Sid Lajzer, on behalf of themselves and all others*
 28 *similarly situated, Plaintiffs, v. Google Inc., Defendant*, Case No. 11-cv-01026-EAK-EAJ, filed
 on May 10, 2011